United Nations A/AC.261/7

General Assembly

Distr.: General
5 July 2002

Original: English

Ad Hoc Committee for the Negotiation of a Convention against Corruption
Third session
Vienna, 30 September-11 October 2002
Item 3 of the provisional agenda*
Consideration of the draft United Nations Convention against Corruption

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its second session, held in Vienna from 17 to 28 June 2002

Contents

Chapter		*Paragraphs*	*Page*
I.	Introduction	1-4	2
II.	Organization of the session	5-15	2
	A. Opening of the session	5-12	2
	B. Attendance	13	3
	C. Adoption of the agenda and organization of work	14	3
	D. Documentation	15	3
III.	Discussion on the draft United Nations Convention against Corruption	16-21	4
IV.	Adoption of the report of the Ad Hoc Committee on its second session	22-26	5
Annexes			
I.	Technical workshop on asset recovery		6
II.	List of participants		9
III.	List of documents before the Ad Hoc Committee at its second session		17

* A/AC.261/8.

V.02-56467 (E) 010802 020802

I. Introduction

1. In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable and established an ad hoc committee for the negotiation of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention.

2. The Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption, convened pursuant to General Assembly resolution 55/61, was held in Vienna from 30 July to 3 August 2001 and recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, the adoption of a draft resolution on the terms of reference for the negotiation of an international legal instrument against corruption. The draft resolution was subsequently adopted as Assembly resolution 56/260 on 31 January 2002.

3. In that resolution, the General Assembly decided that the ad hoc committee should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption".

4. In the resolution, the General Assembly requested the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

II. Organization of the session

A. Opening of the session

5. The Ad Hoc Committee for the Negotiation of a Convention against Corruption held its second session in Vienna from 17 to 28 June 2002, during which it held 18 meetings. Pursuant to the decision of the Ad Hoc Committee at its first session, two meetings on Friday, 21 June 2002, were devoted to the technical workshop on asset recovery.

6. The Chairman invited the Director-General of the United Nations Office at Vienna and Executive Director of the Office for Drug Control and Crime Prevention of the Secretariat to make an opening statement.

7. The Executive Director stated that, in order to realize the extent of corruption, it would be useful to examine the entries "Errors and omissions" in the International Financial Statistics published by the International Monetary Fund, which revealed frequent instances when the unaccounted segment of a nation's external transactions represented an unacceptably high percentage of its balance of payments. While it would be simplistic to explain such statistics solely as a consequence of corruption, analytical work carried out by the Organisation for Economic Cooperation and Development and the International Monetary Fund had shown a significant inverse correlation between the accuracy and integrity of a country's national accounts and the presence of corruption.

8. Fighting corruption was a condition for good governance and the rule of law, which in turn were the foundations of sustainable development. The Ad Hoc Committee commanded the attention of Governments, international organizations and civil society. Its task was demanding, as it was expected to deliver a comprehensive, functional and effective international instrument to fight corruption. The General Assembly had given the Ad Hoc Committee broad terms of reference, asking it to complete the negotiation process by the end of 2003. By setting a deadline, the international community was demonstrating that the instrument against corruption was needed urgently and that ground-breaking new legal instruments could be produced at the United Nations within a reasonable time. The availability of so many initial proposals gave reason for optimism and proved that the international

community wished to ensure that the Convention against Corruption would enjoy the widest application, the maximum efficiency and the strongest effectiveness. One matter especially difficult to negotiate would be asset recovery and, in order to make sure that that topic was fully appreciated, a technical workshop would be held on 21 June 2002.

9. The Executive Director pledged the full support of the Secretariat in facilitating deliberations, providing advice and facilitating an environment that would enable the Committee to carry out its challenging work in the best possible way.

10. The Chairman welcomed the pledge of support made by the Executive Director, indicating that the Ad Hoc Committee was counting on the continuation of the very good substantive and technical support it had received thus far. The Chairman stated that the Ad Hoc Committee had begun its work in the best possible spirit, but had to maintain the same vigorous pace at its second session in order to remain on track towards the implementation of its mandate. The goal of the second session was to complete the first reading of the draft text of the Convention, continuing to seek consensus on a broad and comprehensive instrument. Those attributes were essential because corruption was multifaceted and had devastating effects on the very values on which democracy and the rule of law were founded.

11. The political will of States, their "*animus negotiandi*", was key to the success of the Ad Hoc Committee. It was crucial that delegations continue to listen to each other's positions attentively, try to understand the concerns at the heart of those positions and seek ways to take into account those concerns without compromising the quality and functionality of the Convention. There were several important and delicate issues that the Ad Hoc Committee would be considering at its second session, one of which was the question of asset recovery, and the Chairman expressed his pleasure at the success of the efforts to hold the technical workshop on that issue during the second session. The question of asset recovery was one of the fundamental aspects of the Convention and would also serve as an indicator of the political will to join forces in order to protect the common good.

12. The Chairman stated that he was heartened by the higher attendance at the second session and by the presence of many least developed countries. On behalf of the Ad Hoc Committee, he thanked the Governments which had made the attendance of least developed countries possible through their voluntary contributions and expressed the hope that such support would continue for the remaining sessions of the Ad Hoc Committee. The Chairman was also pleased with the presence of many non-governmental organizations, whose voice and vigilance were necessary to the Ad Hoc Committee.

B. Attendance

13. The second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was attended by representatives of 123 States. Also attending the second session were observers for United Nations Secretariat units, United Nations commissions, specialized agencies, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex II to the present report.

C. Adoption of the agenda and organization of work

14. At its 21st meeting, on 17 June 2002, the Ad Hoc Committee adopted the following agenda for its second session:

1. Opening of the second session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII.
4. Adoption of the report of the Ad Hoc Committee on its second session.

D. Documentation

15. At its second session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Algeria, Austria, Belarus, Benin, China, Colombia,

Egypt, France, Gambia, Haiti, India, Mexico, Morocco, the Netherlands, Norway, Oman, Pakistan, Peru, the Philippines, the Russian Federation, Turkey, the United States of America and Zambia. The list of documents is contained in annex III to the present report.

III. Discussion on the draft United Nations Convention against Corruption

16. At its 21st to 38th meetings, from 17 to 20 June and from 24 to 28 June 2002, the Ad Hoc Committee continued and completed the first reading of the draft convention against corruption. The Ad Hoc Committee based its consideration of those articles on the consolidated text contained in document A/AC.261/3 (Parts II, III and IV) and on proposals and contributions made by Governments (A/AC.261/L.48 to L.64 and L.68 to L.87). Suggestions for consolidating text and proposals for new or amended provisions, together with specific observations on either the existing text or the substance of new provisions made by delegations at the second session, were included in a new version of the draft Convention (A/AC.261/3/Rev.1/Add.1).

17. At the first session of the Ad Hoc Committee, the bureau had decided to put in place arrangements to share the work involved in the negotiation of the draft convention among its members. Pursuant to those arrangements, the Ad Hoc Committee was chaired by the following Vice-Chairmen at its second session: Abdulkadir Bin Rimdap (Nigeria) at its 21st to 26th meetings, from 17 to 19 June 2002, for the consideration of articles 40 to 53 of the draft text; Victor G. Garcia III (Philippines) at its 27th and 28th meetings, on 20 June 2002, for the consideration of articles 54 to 59 of the draft text; Javier Paulinich (Peru) at its 29th to 35th meetings, from 24 to 27 June 2002, for the consideration of articles 60 to 72 of the draft text; Muhyieddeen Touq (Jordan) at its 35th meeting on 27 June 2002, for the consideration of articles 73 to 75 of the draft text; and Thomas Stelzer (Austria) at its 36th meeting, on 27 June 2002, for the consideration of articles 76 to 78 of the draft text. The Chairman of the Ad Hoc Committee led the deliberations of the Ad Hoc Committee at its 37th and 38th meetings, on 28 June 2002, on articles 79 to 85 of the draft text.

18. On Friday, 21 June 2002, the President of the General Assembly at its 56th session addressed the Ad Hoc Committee.

19. The President of the General Assembly stated that the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption represented an important element of a broad agenda for promoting a better world and took efforts against corruption to a higher, global level. The international community had come to recognize that sustainable social and economic development and, in many cases, domestic and regional peace and security depended on good governance and the rule of law, which had to rely on a corruption-free public administration. The importance of good governance and the rule of law, as well as the fight against transnational crime, were enshrined in the United Nations Millennium Declaration, of 8 September 2000. The establishment and work of the Ad Hoc Committee could be counted as one of the successes towards achieving the international targets of the Millennium Declaration. The broad terms of reference given to the Ad Hoc Committee by the General Assembly clearly established that Member States were committed to fighting corruption in all its aspects and with all the means at their disposal, including prevention, criminalization, international cooperation and the return of funds of illicit origin. The President of the General Assembly was certain that the World Summit on Sustainable Development to be held in Johannesburg, South Africa, from 26 August to 4 September 2002, would acknowledge the progress made by the Ad Hoc Committee. He had full confidence in the abilities, commitment and dedication of delegations, which would make it possible for the Ad Hoc Committee to complete its challenging task within the deadline set by the General Assembly. The President was aware of the fact that many delegates had been involved in the negotiations of the United Nations Convention against Transnational Organized Crime and its three Protocols. He was sure delegations could build on that work in a renewed spirit of cooperation and mutual understanding. In that regard, the President took the opportunity to appeal strongly to Member States to sign and ratify the United Nations Convention against Transnational Organized Crime and its Protocols as early as possible. Fighting corruption was a long-term process in every country. Long-term institutional commitment by Governments and civil

society, as well as the mass media and the academic community, together with the sustained commitment of adequate resources, were critical to the success of common efforts.

20. The Chairman expressed the appreciation of the Ad Hoc Committee for the presence of the President of the General Assembly and his encouragement and assured him that the Ad Hoc Committee and its bureau would spare no effort to comply fully with the mandate entrusted to it by the General Assembly.

21. At the 29th meeting of the Ad Hoc Committee, at the beginning of the consideration of Chapter V of the draft text, the representative of Spain made a statement on behalf of the European Union. He expressed his appreciation of the high quality of the technical workshop and indicated that the issue of measures designed to prevent and combat the transfer of funds and assets of illicit origin and the facilitation of the return of such funds and assets was of primary importance to many delegations. The European Union was therefore ready to make an effective contribution to the development of a global strategy in that area, and to the inclusion of appropriate provisions in the convention to support such a strategy. According to the European Union, an effective strategy was composed of at least two elements: preventive measures and measures relating to international cooperation. The European Union was fully aware of the complexity of the issues under consideration. However, it was convinced that, in the spirit of cooperation which had governed the negotiations thus far, it would be possible to formulate provisions which would be effective and fair to all parties concerned.

IV. Adoption of the report of the Ad Hoc Committee on its second session

22. On the recommendation of its bureau, the Ad Hoc Committee decided to begin the second reading of the draft convention at its third session. The proposed organization of work for the second session will reflect that decision.

23. At its 38th meeting, on 28 June 2002, the Ad Hoc Committee adopted the report on its second session (A/AC.261/L.65).

24. At the same meeting, the Ad Hoc Committee adopted the provisional agenda and organization of work for its third session, to be held in Vienna from 30 September to 11 October 2002 (A/AC.261/L.67).

25. Following the adoption of the report of the Ad Hoc Committee on its second session, the representative of Nigeria made a statement on behalf of the States members of the African Group. The representative of Nigeria stated that the second reading of the draft text was scheduled to begin just after the conclusion of the Group of Experts and Ministerial Meeting of the Organization of African Unity (OAU)/African Union to consider the draft OAU/African Union Convention on Combating Corruption, which would be held in Addis Ababa from 16 to 18 September 2002. Following those meetings, the States members of the African Group would be making further input to the negotiations in the areas of repatriation of funds and assets (especially in sharing, recovery and standardization of mechanisms), the definition and scope of corruption offences, regional and subregional efforts to combat corruption, mutual legal assistance, as well as on the monitoring and implementation mechanism.

26. The Ad Hoc Committee decided that as of its third session it would follow the practice of the General Assembly in determining seating arrangements.

Annex I

Technical workshop on asset recovery

1. As decided by the Ad Hoc Committee for the Negotiation of a Convention against Corruption at its first session, a one-day technical workshop on asset recovery was held on Friday, 21 June 2002, during the second session of the Ad Hoc Committee. The programme of the workshop and the list of panellists are contained in documents A/AC.261/6 and A/AC.261/6/Add.1.

2. The workshop was opened by the Chairman of the Ad Hoc Committee, who thanked the Government of Peru for its proposal to hold the workshop and welcomed the panellists. He called upon James K. Robinson, a consultant to the Centre for International Crime Prevention for the Global Study of the Transfer of Funds of Illicit Origin, to serve as Moderator for the panel discussions. Mr. Robinson noted that the deliberations of the workshop would be taken into consideration in finalizing the Global Study. He outlined the hypothetical case which was used as the basis for the workshop, in which a corrupt government leader had transferred proceeds of corruption to other countries. Following a change of government, his successors sought to retrieve those proceeds. Problems included the reluctance of witnesses to testify; difficulties in maintaining domestic proceedings before judges appointed by the former leader; and problems locating the assets and linking them to criminal offences.

3. Willie Hofmeyr of South Africa discussed the two recovery options open to the new government: procedures based on establishing that the assets were the proceeds of crime and procedures which sought their recovery as a form of damages in civil law. A dismissal of criminal charges would make criminal recovery unlikely unless such procedures could be reinstated. Legal and practical problems associated with tracing and seizure were discussed. Should proceedings be successful, the property could be recovered in a number of ways: (a) by a court judgement in the jurisdiction where the assets were located; (b) through a judgement in the country seeking their return and recognized by the other jurisdiction; or (c) by a judgement compelling the former leader or others in possession of the assets to return them, enforceable on contempt of court. Civil recovery offered some advantages, including a lower evidentiary threshold and the legal construct of attachment of liability to the assets, regardless of transfers. Disadvantages included the unavailability of criminal measures such as search and seizure and the high costs of foreign civil proceedings. Furthermore, for many countries, civil forfeiture was a procedure of a relatively novel nature and not currently permissible. The fact that most currently known cases involved civil recovery could be seen as an indication that cooperation needed for criminal cases was lacking.

4. Bruno Dalles of France discussed the tracing, freezing and seizing of assets. The laws of some countries only provided assistance and remedies for the proceeds of drug trafficking. That state of affairs could evolve thanks to the ratification of international instruments such as the United Nations Convention against Transnational Organized Crime. In France the judicial authority could directly seize assets that were the proceeds of the offence or in some offences the entire estate of the offender. Issues raised by the hypothetical case included questions of diplomatic immunities or the immunity of heads of State, which would have existed when the funds were transferred. It was necessary to keep that issue in mind in every reflection regarding the fight against corruption. Assets not directly derived from corruption might still be targeted on the basis of a broad definition of offences relating to fraud, conflict of interest or violations of rules related to disclosure or international transfers of capital. Once assets were hidden, efficient tracing required the establishment of databases on movable and immovable property, as was the case in France with the database of bank accounts. Without tracing, seizure and confiscation were not possible.

5. Sergey Skvortsov of the Russian Federation made reference to the experience of the Russian Federation and outlined two means of recovering assets: the use of mutual legal assistance based on foreign proceedings and judgements recognized by Russian Federation courts; and civil forfeiture proceedings launched in the Russian Federation. A major factor in achieving success was timely action by all the concerned parties.

He indicated that the draft convention represented an opportunity to address many problems and recommended more extensive limits on bank secrecy, the ability to target the entire estate of those involved and not just assets directly derived from an offence, and the inclusion of tax evasion as an underlying offence upon which recovery proceedings could be based.

6. José Carlos Ugaz of Peru outlined his involvement in recent attempts to recover assets transferred by the former Alberto Fujimori-led government, noting that, while the scenario used in the workshop was hypothetical, the experiences of Peru were not. A major problem was the fact that corruption had penetrated virtually every element of the former Government, neutralizing all of the substantive and procedural safeguards that would normally have applied to prevent corruption and the illicit transfers. That made taking action to prevent or recover transfers while the corrupt regime was in power virtually impossible, and increased the difficulty of doing so later on because the corruption made some of the activities technically legal and rendered safeguards such as record-keeping and transaction-reporting mechanisms unreliable or inoperative. Recovery could be made easier by reforms such as international standards for evidence, the removal of bank secrecy, the establishment and use of financial intelligence units and greater reliance on the transfer of assets by those in possession of them, even where voluntariness was in question owing to the application of court orders or the threat or existence of criminal proceedings.

7. Pascal Gossin of Switzerland discussed the situation of countries that commonly were the recipients of requests for assistance seeking recovery, from the perspective of Switzerland. Considering the hypothetical case, Switzerland would conduct a step-by-step procedure. If assistance was prima facie admissible, assets could, as a provisional measure, be traced, seized and kept frozen until the requesting country issued a confiscation judgement regarding the said assets. The request and all necessary requirements would then have to be accepted by a Swiss authority before the recovery could be effected. Proceedings would have to be initiated in the requesting country and would have to meet the procedural standards equivalent to those in the European Convention for the Protection of Human Rights and Fundamental Freedoms or in the International Covenant on Civil and Political Rights, adopted by the General Assembly on 16 December 1966. The crimes in question would have had to be not of political or military nature, or simple tax evasion, and an equivalent crime would have to exist under Swiss law (dual criminality). Bona fide third parties and individual victims could challenge the recovery request, inasmuch as they had a link to Switzerland (residence or acquisition of property rights in Switzerland). If the full requirement for recovery were not met, the Swiss State could nevertheless grant the recovery request but under certain conditions (e.g. respect of human rights) or try to confiscate the assets according to the Swiss law against money-laundering. Lessons learned from recent recovery requests included the need for transparency on the part of the countries involved (exchange of information between recipient countries, e.g. within the framework of task forces), the absence of political motives for recovery and the need in some cases for a scheme for ultimate distribution or disposal of funds.

8. Haydee B. Yorac of the Philippines turned to the question of preventing the initial transfer of proceeds of corruption. She discussed the hypothetical case and the problems faced by her own Government in seeking to recover funds transferred by the regime of former President Ferdinand Marcos. She agreed that prevention was desirable, but noted that it was very difficult in cases such as those of Peru and the Philippines, where institutions and officials at the highest levels had been corrupted. Domestic criminal justice institutions could not be used while such regimes were in office, and often for some time afterwards while reforms were implemented. Corrupt officials also often destroyed essential evidence.

9. Kuniji Shibahara of Japan noted that many preventive elements were based in the laws and financial systems of other countries and could be used even while corrupt Governments were still in power. Those included the identification of suspicious transactions, prohibitions on anonymous transactions and bank accounts and the keeping of records to support subsequent tracing efforts. There was a general trend towards acceptance of preventive and deterrent measures.

10. Penelope-Ann Mammatah of Ghana noted that in west African countries, many basic money-laundering offences and controls had not been incorporated into national laws. She discussed those which were seen as

necessary or beneficial, including stronger accounting standards, an end to bank secrecy, the reporting of bank earnings and deficits, powers to compel disclosure of assets, mandatory financial disclosures of public and private transactions, the establishment of financial intelligence units, general regulation and self-regulation of the banking and financial industries and better institutional cooperation. The lack of specialized skills and knowledge on the part of judges and prosecutors was also a problem in developing countries and training was needed, including in the use of computers and information systems, to search for assets and transaction records.

11. In the discussion that followed each of the presentations, further issues were raised. Those included problems associated with locus standi, the identification of parties and the roles of individual victims in civil proceedings; whether requested countries should have a role in distributing proceeds or simply transfer them back en masse, leaving distribution to the requesting countries; limitation periods for civil actions and how those could be avoided; the different standards of proof in civil and criminal cases and whether "double jeopardy" restrictions precluded the use of both civil and criminal measures in a specific case; problems associated with diplomatic or sovereign immunities; the perception that recovery efforts were politically motivated in cases of high-level corruption; and issues arising where assets were found in the possession of bona fide third parties. A number of possible measures were suggested by panellists or delegates, including: controls on the use of anonymous or "shell" companies; subjecting the proceeds of high-level corruption to forfeiture and recovery whether or not a crime existed when they were generated; subjecting the proceeds of tax evasion to recovery; enhancing the powers of other countries to block transfers where corruption made the source country unwilling or unable to do so; and the question of whether the convention should contain a single unified recovery scheme or create a range of options.

12. Furthermore, additional comments were also made focusing on: (a) the need to address the problem of tracing and seizing illicit proceeds to transferees after the death of a corrupt official where no criminal prosecution was possible; (b) the need to establish more uniform criteria for evidentiary standards with respect to freezing and seizure of assets of illicit origin, including perhaps a model statute for such matters; (c) the need to establish uniform standards for asset sharing between cooperating countries with respect to seized assets of illicit origin; and (d) the possibility of making greater use of rewards for information leading to the return of assets of illicit origin or using civil qui tam litigation whereby private citizens or "whistle-blowers" could sue corrupt officials and others who defrauded the Government on behalf of the State and then be rewarded with a portion of the assets of illicit origin recovered on behalf of the State.

Annex II

List of participants

States

Algeria	Taous Ferroukhi, Nabil Haltali, Linda Briza, Mustapha Lahreche, Salah El-Hamdi, Abdelmadjid Mahreche
Angola	Henrique dos Santos, F. L. Figueiredo, Antonio Felismino, Julio Helder Moura Lucas, Dulce Gomes, Jose Leitao Bravo da Costa
Antigua and Barbuda	Eike Malling, Wolfgang Breitenthaler
Argentina	Gustavo E. Figueroa, Beatriz Vivas de Lezica
Australia	Sonja Litz, Helen Stylianou
Austria	Thomas Stelzer, Johann Froehlich, Helmut Tichy, Michael Postl, Wolfgang Spadinger, Johann Haller, Irene Gartner, Gudrun Zagel, Alexander Wojda
Azerbaijan	Vaqif Sadiqov, Sayyad Karimov, Fikrat Axundov
Belarus	Viktar Gaisenak, Olga Zvereva
Belgium	Jean-Cedric Janssens de Bisthoven, Paul Van Ingelgom, J. S. Jamart, Wouter Boucique
Belize	Alexander Piletsky, Kwan Rhee, Elina Piletsky, Rohan Philip
Benin	Anne Cica Adjaï, Fortune Luc Olivier Guezo
Bolivia	Jaime Niño de Guzmán, Mary Carrasco Monje, Miriam Siles Crespo, Marcia Carrasco
Bosnia and Herzegovina	Amira Kapetanovic, Nada Jankovic
Botswana	Tymon M. Katlholo, Lizo Ngcongco
Brazil	Roberto Abdenur, Rafael Koerig Gessinger, Milton Nunes Toledo Junior, Renato de Alencar Lima
Brunei Darussalam	Intan Md. Kassim, Md. Juanda A. Rashid
Bulgaria	Ivan Naydenov, Traiko Spasov, Tsveti Romanska
Burkina Faso	Mamadou Serme, Lazare Gansore, Ousmane Traore
Burundi	Jean Pierre Ndayiragije
Canada	Keith Morrill, Douglas Breithaupt, Katherine Liao, Karim Amégan, Nathalie Dion
Cape Verde	Boaventura Jose dos Santos, Alirio Vicente Silva, Carla Miranda Spinola

Chile	Raimundo González Aninat, Luis Plaza Gentina, Alvaro Guzman, Diego Garcia
China	Zhang Yan, Zhang Honghong, Pei Xianding, Huang Feng, Liu Yinghai, Chen Zhengyun, Jiang Tian, Tian Lixiao, Chen Min, Cheng Hao, Jiang Wenyue, Cao Liqun, Guo Yang, Zhao Qiang, Ke Yousheng
Colombia	Hector Charry Samper, Carlos Eduardo Mejia Escobar, Lorenzo Calderon Jaramillo, Juliana Bustamante Reyes, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina
Comoros	Assoumani Y. Moegni
Costa Rica	Stella Aviram Neuman
Croatia	Mario Nobilo, Vesna Vukovic, Zeljko Horvatic
Cuba	Jose Ramon Cabanas Rodriguez, Rolando Lorenzo Leyva, Juana Elena Ramos Rodriguez, Julio Cesar Gonzalez Marchante
Cyprus	Stavros A. Epaminondas, Robertos Vrachimis, Antonios Theocharous
Czech Republic	Jan Vidrna, Jaroslav Stepanek, Oldrich Krulik
Denmark	Torban Mailand Christensen, Lise Lauridsen, Lennart Houmann, Birte Poulsen, Line Olsen
Ecuador	Patricio Palacios, Juan F. Holguín
Egypt	Sameh Shoukry, Iskandar Ghatas, Abdel Meguid Mahmoud, Soliman Abdel Moneim, Medhat Abdel Fattah, Mohsen Mohamed El Yamany Ibrahim, Mohamed Hamdy Rashed, Salah Eldin Zidan Taha, Ahmed Fathalla, Hassan Al Laithy, Yasser Elatawi
Estonia	Mart Laanemäe, Marlen Piskunov, Katri Teedumäe
Ethiopia	Gebremichael Getaneh
Finland	Tom Grönberg, Jaakko Halttunen, Kaarle Lehmus, Reijo Pöyhönen
France	Patrick Villemur, Michèle Ramis-Plum, Claude Mathon, Eric Ruelle, Frédéric Baab, Jacques Lajoie, Delphine Lida, Alexandre Draznieks, Anne Guillou
Gambia	Joseph H. Joof, Therese Sarr, Abdou R. Cole
Germany	Hans-Peter Plischka, Georg Witschel, Manfred Moehrenschlager, Siegrid Jacoby, Dorothea Groth, Joachim Ziegler, Oliver Gehse, Barbara Friedrich, Mechthild Ruenger
Ghana	Bernard A. Takyi

Greece	Christos Alexandris, Athanasios Papaioannou, Ioannis Aggelis, Nikolaos Papaspyrou, Ekaterini Fountoulaki
Guatemala	Federico Urruela Prado, Sandra Noriega Urizar, Rossana Rivas Godoy
Guinea	Mohamed Lamine Camara, Mohamed Nhur Kamara, Mohamed Francois Falcone
Guinea-Bissau	Paulo Mendes Junior
Haiti	Michelange Obas
Holy See	Leo Boccardi, Ladislav Nemet, Agustin Vaz Guerrero
Hungary	Istvan Horvath, Attila Zsigmond, Ákos Kara, Tünde Forman, Henriett Nagy, László Gál, Sándor Virág, András Fábián, Peter Straub
India	A. K. Aggarwal, T. P. Sreenivasan, Anupam Dasgupta, Hamid Ali Rao, Hemant Karkare, Partha Satpathy
Indonesia	T. A. Samodra Sriwidjaya, Bambang Prayitno, Harry Purwanto, Bambang Djauhari, Asep Hermana, Haris Nugroho, Sulaiman Syarif, Odo Rene Mathew Manuhutu
Iran (Islamic Republic of)	Pirooz Hosseini, Fathollah Rahimi, Azizollah Negahban, Hossein Ghazavi Khorasgani, Ali Hajigholam Saryazdi, Esmaeil Baghaee Hamaneh
Iraq	Kasim Salim, Sufyan Hamid, Raad Aboud, Amal Hussein, Muhsun Abdulmajeed
Ireland	Ronan Murphy, Maeve Clery, Con O'Carroll
Italy	Claudio Moreno, Gioacchino Polimeni, Roberto Bellelli, Roberta Barberini, Giovanni Liguori, Nicola Maiorano, Alfonso Papa, Silvia Della Monica
Jamaica	Denier Little
Japan	Yukio Takasu, Masayoshi Kamohara, Masaki Wada, Hirokazu Urata, Keiko Ishihara, Tetsuo Kamata, Kiyo Kudo, Jiro Usui, Nobuoki Ishii
Jordan	Muhyieddeen Touq, Jamal Al-Shamayleh, Mohamed Hauamdeh, Musleh El Kaid, Ghazi Al-Faori, Sabah Al-Rafie
Kenya	Michael D. Kinyanjui, Florence T. Ochieng
Kuwait	Bader Al-Mesad, Salah Al-Ben Ali, Zakaria Al-Ansari, Zeiad Al-Anbaie
Lao People's Democratic Republic	Sida Laukaphone

Lebanon	Samir Chamma, Pierre Kanaan, Raymond Oueidat, Sarkis Assaad Tadros, Di 'aa Ahmad Rammadan, Houssam El Tannoukhi, Khaled Mohammad Kheir Dandashli, Hala Adel Zeaiter Hassan Ayoub, Joumane Khaddage
Libyan Arab Jamahiriya	Said Abdulaati, Aisha Alfrgani, Abdulrahman Brshan, Faisal Elshaeri
Liechtenstein	Robert Wallner
Lithuania	Sarunas Adomavicius, Violeta Popovaite
Luxembourg	Georges Santer, Pierre Franck, Nadia Ernzer, Luc Reding
Malawi	Fiona Kalemba
Malaysia	Dato' Mohd. Zawawi Mohd. Nordin, Yaacob Hj. Md. Sam, Munawar Kabir Mohd, Rushan Lufti Mohamed, Shariffah Norhana Syed Mustaffa
Mali	Christian Idrissa Diassana, Mohamed Maiga
Mexico	Patricia Olamendi Torres, Joel Hernandez, Ambrosio Michel, Eduardo Hector Moguel Flores, Carlos Rochin, Sandro Garcia-Rojas Castillo, Raúl Carrera Pliego, Julian Juarez Cadenas, Sylvia Cabrera
Monaco	Ariane Picco-Margossian, Sabine-Anne Minazzoli, Alain Van Den Corput
Morocco	Abdellatif Saadi, Monkid Mestassi, Abdeslam El Imani, Ahmed Ait-Taleb
Mozambique	Isac Armando Matola
Myanmar	U. Than Win
Namibia	Lineekela J. Mboti, Simon M. Maruta
Nepal	Bhesh Raj Sharma
Netherlands	Jaap Ramaker, Dennis de Jong, Hans Abma, Jolien Schukking, Michiel P. J. Bierkens, Irene Plugge, Jock Geselschap
New Zealand	Barbara Bridge, Nazla Carmine
Niger	Boukar Ary Mai Tanimoune
Nigeria	T.A.A. Osinuga, A. B. Rimdap, S. L. Mohammed, Bola Odugbesan
Norway	Helga Hernes, Helle Klem, Berit Tvete, Eva Joly, Marius Stub, Kjetil Aasland, Bent Sofus Tranøy

Oman	Ali Nasser Seif Al-Bualy, Yakoob Al-Saidy, Khamis Salim Khamis Al-Khalili, Mahfoodh Dawood Ali Al-Balushi, Mohamed Al-Dughaishi, Ahmad Bin Said Al-Hosny
Pakistan	Ali Sarwar Naqvi, Ross Masud, Ahmer Bilal Soofi, Muhammad Kamran Akhtar
Panama	Jorge Enrique Halphen Perez
Papua New Guinea	Fred Tomo
Peru	Javier Paulinich, Javier Diez-Canseco, Hugo Portugal, Carlos Enrique Morelli, Astrid Leigh Vetter, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Mary Anne A. Padua
Poland	Anna Grupinska, Mariusz Skowronski, Zbigniew Wrona, Agnieszka Stawiarz, Waclaw Gasiorowski, Lech Mastalerz
Portugal	Carlos Neves Ferreira, Liliana Araújo, Maria do Carmo Costa, António Folgado
Qatar	Abdullah Yousef Al-Mal, Fahad Ali Al Hinzab, Mohammed Al-Sulaiti, Ahmad Abdullah Al-Houti, Abdulla Yousef M. Almal, Ahmad Mohd H. H. Al-Sulaiti, Najat Al-Khalaf
Republic of Korea	Chung Hae-Moon, Shin Maeng-Ho, Rhee Zha-Hyoung, Kim Soo-Hyun, Kim Hee-Soon
Romania	Liviu Bota, Nicoleta Iliescu, Sorin Tanasescu, Alina Papuc, Dan Constantin
Russian Federation	I. I. Rogachev, M. I. Kalinin, V. I. Mikhailov, O. I. Mytsykova, Sergey F. Skvortsov, V. A. Kolodyazhnyi, V. A. Grobovoy, V. V. Svinarev, A. G. Norchenko, A. V. Tonkoglas, A. G. Filimonova, V. V. Sergeev, D. R. Okhotnikov, S. V. Zemskyi
Rwanda	Paul Ruyenzi, Anaclet Nzabamwita, Stanislas Kabalira
Saudi Arabia	Omar Mohammed Kurdi, Abdulrahim Al-Ghamdi, Abdullah Abdulrahman Al-Yousef, Saleh Abdullah Al-Ghamdi, Hamad S. Al-Natheer, Saad Bin Yahya Khwaji, Mohammed Abdul-Aziz Al Mehizea, Majed Abdul-Mohssen Al Hamid, Ahmad Mohammed Al-Khouayter, Saud Al-Mutlaq
Senegal	Amadou Diallo, Felix Oudiane, Abou Diop
Sierra Leone	Neneh Dabo
Singapore	Oon Soo Khoo, Mathew Joseph, Marcus Song, Kee Yong Lee

Slovakia	Vladimir Kotulic, Oksana Tomova, Roman Goga, L'ubica Erdelska, Jozef Malankevic, Marietta Sencáková, Jozef Szabo
Slovenia	Nina Radulovic
South Africa	A. P. Rapea, I. K. Bodasing, M. Lungisa Dyosi, A. J. Du Plessis, N. S. Schoombie, S. V. Mangcotywa, K. Seape
Spain	Antonio Nuñez García-Saúco, Francisco De Miguel Alvarez, Alfredo Pascual, Sancho Iñiguez Hernández, David Melgar, Eusterio Pérez Gago, Francisco Javier González Ibáñez, José María De Las Cuevas Carretero, Ignacio Baylina Ruiz
Sri Lanka	W.A.T. Gunatillake, H.M.G.R.R.K. Wijeratne-Mendis
Sudan	Abdel Ghaffar A. Hassan, Kamal Bashir Ahmed
Swaziland	Melusie M. Masuku
Sweden	Håkan Öberg, Lennart Klackenberg, Åsa Gustafsson
Switzerland	Jacques De Watteville, Lorenzo Schnyder Von Wartensee, Bernard Jaggy, Andrea Candrian, Christine Magnin, Stephan Guerber
Syrian Arab Republic	Abboud Al-Sarraj, Safwan Ghanem, Mohamed Onfouan Naeb
Thailand	Karn Chiranond, Wanchai Roujanawong, Pongpat Riangkruar, Korbkul Kaewtip, Chaiyot Sintuprasit, Piyatida Chongudomliuk, Suphanvasa Chotikajan, Rongvudhi Virabutr
Togo	Awoki Panassa, Essossimna Legzim-Balouki, Koffi A. Maxime Assah
Tunisia	Afif Hendaoui, Emna Lazoghli, Bechir Chouikh
Turkey	Aydin Sahinbas, Osman Paksüt, R. Bülent Tarhan, Namik Güner Erpul, Aydin Özbay, Süleyman Savas Erdem, Filiz Ercan Coskun, Metin Eksi, Rafet Ufuk Önder
Uganda	Atepo Mohammed
Ukraine	Anatolii Redka, Valerii Ratsiuk, Oleksii Shovkoplias, Liubov Butenko, Igor Kusnir, Viktoria Kuvshynnykova
United Arab Emirates	Ahmed Rashed Al-Dosari, Mohamed Mahmoud Al Kamali, Abdullah Yousef Al Shamsi, Aref Mohamed Abdul Raheem, Abdulah Hamdan Al Naqabi, Ayad Al-Yasiri
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Mark Etherton, Ian Richards, Phil Mason, Sharon Kinsley, Lisa Witting, Sharon Boyle

United States of America	Kenneth Brill, Elizabeth Verville, Stephen Noble, John Harris, Kathleen Barmon, John Brandolino, Daniel Claman, David Fisher, Joseph Gangloff, Thomas Heinemann, Kenneth Propp, Marie Schwieterman, Katherine Tobin
Uruguay	Fructuoso Pittaluga-Fonseca, Elsa Borges, Gustavo Alvarez
Uzbekistan	Yakubdjan Irgashev, Aziz Aliev
Venezuela	Clodovaldo Rusián, Gustavo Márquez Marín, Miriam García de Perez, Victor Manzanares, Ernesto Navazio
Viet Nam	Hoang Van Nha, Nguyen Truong Giang, Do Van Le, Ha Trong Cong, Nguyen Ngoc Anh, Nguyen Pham Kim Chi, Vo Van Tuyen
Yemen	Nageeb Ahmed Obeid, Abdurraman Mohamed A. Al-Hadrami, Abdulkader Ismail Mohamed, Abdulghani Thabit Al-Maktari, Nageeb Ismail Ali
Yugoslavia	Branislav Milinkovic, Boris Batarilo, Jovica Cedic
Zambia	Rosewin M. Wandi, Peter Bubenshi
Zimbabwe	T. J. Kangai, Stephen Mutamba, Benjamin T. Mhiripiri, Vova Chikanda, Barbara Chimhandamba

United Nations Secretariat units

Office for Drug Control and Crime Prevention

United Nations commissions

United Nations Commission on International Trade Law

Specialized agencies

World Health Organization, United Nations Industrial Development Organization

Other intergovernmental organizations

Asian-African Legal Consultative Organization, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European Commission, Inter-American Development Bank, International Criminal Police Organization, Organization of the Islamic Conference, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, International Abolitionist Federation, International Chamber of Commerce, Soroptimist International, Zonta International

Special consultative status: Arab Lawyers Union, Baha'i International Community, Institute for Security Studies, International Council of Women, International Federation of Social Workers, International Federation of University Women, National Council of German Women's Organizations, Pax Romana, Syriac Universal Alliance, Union Internationale des Avocats

Roster: International Police Organization

Other non-governmental organizations

African Network for Environmental and Economic Justice, Transparency International, Centro italiano di solidarietà

Annex III

List of documents before the Ad Hoc Committee at its second session

Document symbol	*Title or description*
A/AC.261/3/Rev.1	Revised draft United Nations Convention against Corruption
A/AC.261/3 (Part II)	Draft United Nations Convention against Corruption: articles 19-50
A/AC.261/3 (Part III)	Draft United Nations Convention against Corruption: articles 51-59
A/AC.261/3 (Part IV)	Draft United Nations Convention against Corruption: articles 60-75
A/AC.261/4	Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002
A/AC.261/5	Annotated provisional agenda and proposed organization of work
A/AC.261/6 and Add. 1	Programme of the technical workshop on asset recovery, to be held in Vienna on 21 June 2002
A/AC.261/L.48	Oman: amendments to articles 2, 8, 22, 40-44, 46-50 and 52-60
A/AC.261/L.49	Egypt: amendments to articles 40-65
A/AC.261/L.49/Add.1	Egypt: amendments to articles 40-65 (articles 42-50)
A/AC.261/L.49/Add.2	Egypt: amendments to articles 40-65 (articles 51 and 53)
A/AC.261/L.50	Benin: amendments to articles 40-50
A/AC.261/L.51	Mexico: amendments to article 40
A/AC.261/L.52	France: amendment to article 40
A/AC.261/L.53	Mexico: amendments to articles 44 and 45
A/AC.261/L.54	Pakistan: amendments to article 44
A/AC.261/L.55	Morocco: amendments to article 44
A/AC.261/L.56	Russian Federation: amendments to article 46
A/AC.261/L.57	Mexico: proposal for a new article on statute of limitations
A/AC.261/L.58	Austria, Colombia, Egypt, France, Mexico, Netherlands, Pakistan and Turkey: amendments to article 40
A/AC.261/L.59	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (40, 42 and 43)

A/AC.261/L.59/Add.1	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (46, 47, 49-51 and 53-57)
A/AC.261/L.59/Add.2	Belarus: proposals on articles 40, 42, 43, 46, 47, 49-51, 53-57, 59, 61, 63-66 and 69 (59, 61, 63-66 and 69)
A/AC.261/L.60	Haiti: amendment to article 40 bis, contained in proposal submitted by Mexico (A/AC.261/L.57)
A/AC.261/L.61	Austria and the Netherlands: amendment relating to article 48
A/AC.261/L.62	The Gambia and the Netherlands: new article 48 bis
A/AC.261/L.63	Austria, Colombia, Mexico, Netherlands, Pakistan, Philippines and Turkey: amendments to article 42
A/AC.261/L.64	India: amendments to articles 40 and 42
A/AC.261/L.65	Draft report
A/AC.261/L.66	Revised draft United Nations Convention against Corruption (articles 40 to 72)
A/AC.261/L.67	Draft provisional agenda and proposed organization of work of the third session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 30 September to 11 October 2002
A/AC.261/L.68	Austria, Netherlands, Colombia and Mexico: amendments to article 53
A/AC.261/L.69	Austria and the Netherlands: amendments to articles 66 to 70
A/AC.261/L.70	Austria, Colombia, Netherlands, Pakistan and Turkey: amendments to article 59
A/AC.261/L.71	Zambia: amendments to articles 60-62 and unnumbered articles contained in Chapter V and to term used in Chapter VII
A/AC.261/L.72	Mexico: amendments to articles 44 and 45
A/AC.261/L.73	Austria, Colombia, France, Mexico, the Netherlands and Turkey: amendments to articles 13 and 43
A/AC.261/L.74	India: amendments to articles 43, 45, 48, 50 and 54
A/AC.261/L.75	Austria, Colombia, Mexico and Netherlands: amendments to article 50
A/AC.261/L.76	Austria, Colombia, France, Netherlands and Russian Federation: consolidated text for article 46
A/AC.261/L.77	Peru: amendments to article 57

A/AC.261/L.78	Norway: amendments to article 68, as submitted in the proposal by Austria and the Netherlands (A/AC.261/L.69)
A/AC.261/L.79	Peru and the United States of America: amendments to article 65
A/AC.261/L.80	Algeria: amendments to article 61
A/AC.261/L.81	Peru: amendments to article 66
A/AC.261/L.82	China: amendments to articles 64 and 67
A/AC.261/L.83	Peru: amendments to article 76
A/AC.261/L.84	Colombia: amendments to articles 69 and 72
A/AC.261/L.85	Colombia: amendments to article 68
A/AC.261/L.86	Austria, Colombia and Netherlands: amendment to article 75
A/AC.261/L.87	Egypt: amendment to article 76
A/AC.261/CRP.1	Paper submitted by Spain concerning the seminar on return of illicit funds as proposed by Peru
A/AC.261/CRP.2	Proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002
A/AC.261/CRP.3	Comparison between the articles of Chapter V of the draft Convention with overlapping or related provisions in the draft Convention submitted by the Netherlands